

Appl. No. 10/065,970
Docket No. GEM-0066 / 126995

REMARKS / ARGUMENTS

Status of Claims

Claims 1-31 are pending in the application and stand rejected. Applicant herein provides clarifying remarks, for consideration by the Examiner, to traverse the rejections. No claim amendments have been made, and therefore under 37 C.F.R. 1.121, no claim listing is provided herewith.

Applicant respectfully submits that the rejections under 35 U.S.C. §102(e) have been traversed and that the application is in condition for allowance.

Rejections Under 35 U.S.C. §102(e)

Claims 1-31 stand rejected under 35 U.S.C. §102(e) as being anticipated by Doherty et al. (U.S. Patent No. 6,567,277 B1, hereinafter Doherty).

Applicant traverses this rejection for the following reasons.

Applicant respectfully submits that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, *in a single prior art reference.*" *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). Moreover, "[t]he identical invention must be shown in as complete detail as is contained in the *** claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Furthermore, the single source must disclose all of the claimed elements "arranged as in the claim." *Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 716, 223 U.S.P.Q. 1264, 1271 (Fed. Cir. 1984). Missing elements may not be supplied by the knowledge of one skilled in the art or the disclosure of another reference. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 780, 227 U.S.P.Q. 773, 777 (Fed. Cir. 1985).

By alleging anticipation through a broad sweeping rejection absent specific reference to anticipatory elements that may be found in the cited reference, Applicant

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respectfully submits that the Examiner has failed to properly meet the burden of a showing of anticipation.

In comparing Doherty with the instant invention, Applicant respectfully submits that the Examiner has not met the burden of showing where Doherty discloses:

“...*a sensing device* movable relative to the housing; and
a cable having *one end secured relative to the housing and another end secured to the sensing device...*”, as claimed in Claim 1;

“...*a display screen* disposed in the housing, the channel being *disposed around at least a portion of a perimeter of the display screen*”, as claimed in Claim 2;

“...wherein the channel is *disposed around three sides of the perimeter of the display screen*,” as claimed in Claim 3;

“...wherein the cable has *a relaxed outside diameter and a stretched outside diameter*, the relaxed outside diameter being *greater than a width of* the channel and the stretched outside diameter being *less than the width of* the channel”, as claimed in Claim 4;

“...wherein the cable *is coiled*”, as claimed in Claim 5;

“...wherein the cable is received in the channel *in press-fit fashion*”, as claimed in Claim 6;

“...wherein in the cable includes *a resilient material* forming an outer surface thereon, the resilient material being *compressed by a side of the channel* to secure the cable within the channel”, as claimed in Claim 7; and

“...*a detent formed on a side of the channel*, the detent releasably retaining the cable in the channel”, as claimed in Claim 8.

Furthermore, Applicant respectfully submits that the Examiner has not met the burden of showing where Doherty discloses each and every element of Claims 9-31.

Dependent claims inherit all of the limitations of the respective parent claim and any intervening claim.

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Applicant does not find, nor does the Examiner specifically show, where Doherty discloses each and every element of the claimed invention, which must be considered in their entirety when conducting an anticipation analysis.

Absent anticipatory disclosure in Doherty of each and every element of the claimed invention, Doherty simply cannot be anticipatory.

In view of the foregoing remarks, Applicant respectfully submits that the Examiner has not met the burden of showing where Doherty discloses each and every element of the claimed invention, and therefore cannot properly apply Doherty for a rejection on grounds of anticipation. Accordingly, Applicant respectfully submits that the Examiner's rejection under 35 U.S.C. §102(e) has been traversed, and requests that the Examiner reconsider and withdraw all of the rejections under 35 U.S.C. §102(e).

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The Commissioner is hereby authorized to charge any additional fees that may be required for this amendment, or credit any overpayment, to Deposit Account No. 07-0845.

In the event that an extension of time is required, or may be required in addition to that requested in a petition for extension of time, the Commissioner is requested to grant a petition for that extension of time that is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above identified Deposit Account.

Respectfully submitted,

CANTOR COLBURN LLP

Applicant's Attorneys

By: 

David Arnold
Registration No: 48,894
Customer No. 23413

Address: 55 Griffin Road South, Bloomfield, Connecticut 06002
Telephone: (860) 286-2929
Fax: (860) 286-0115